DEFENDANT'S
SUPPLEMENTAL APPENDIX

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Tab 18

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

INTERNATIONAL DATA PRODUCTS
CORPORATION,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

No. 01-459C
(Judge George W. Miller)

DECLARATION OF JOHN WILLIAMSON

I, John H. Williamson, declare as follows:

1. Unless otherwise stated, I have personal knowledge of the following facts, which I believe to be true to the best of my present knowledge and understanding.

2. I am a Trial Attorney in the Civil Division of the United States Department of Justice. I am counsel of record for defendant in this lawsuit. This declaration is filed in support of defendant's motion for summary judgment.

3. Attached behind Tab "19" is a true copy of the July 17, 1995 "Memorandum For All Potential Desktop V Offerors" regarding Contract No. F01620-97-D-0001 ("Desktop V") that is contained in the Air Force's files for the Desktop V contract, and was produced to plaintiff in this lawsuit. It appears that when the documents were copied, the second page of the memorandum was copied twice, and assigned the Bates numbers USAF 7892 and 7893.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 15, 2004

John H. Williamson
John H. Williamson

Tab 19

17 Jul 95

MEMORANDUM FOR ALL POTENTIAL DESKTOP V OFFERORS

FROM: HQ SSG/PKN
55 North Ramp Road
Maxwell Air Force Base-Gunter Annex AL 36114-3331

SUBJECT: Request for Proposal (RFP) No. F01620-95-R-A051, Desktop V (DT-V) Program

1. Attached herewith is the RFP (under full and open competition after exclusion of sources) to be issued on the DT-V program. The solicitation is being distributed via three methods, in electronic form on diskettes, and the SSG Acquisition Bulletin Board System (ACQBBS), and limited paper copies by specific request only. To ensure your proposal is considered, please adhere to the proposal submission instructions contained in this letter and the RFP.

2. Attachments 1 and 2 are the diskettes containing the DT-V RFP (labeled "DT-V 8(A)RFP"), and the Price Evaluation Model (PEM), the Technical Evaluation Model (TEM), the Management Evaluation Model (MEM)and User's Manual. The diskettes contain self-extracting, executable files (DT-VRFP.EXE) which extract into Microsoft (MS) Word For Windows Version 6.0 or MS Excel Version 5.0c formats. Provided for your information are questions received and answers released via the SSG ACQBBS since the release of the draft RFP. For your convenience, we have also included a file containing the list of interested vendors (mail-8a.doc) with the RFP. The Technical and Management Specifications Matrices are now included in the TEM and MEM. The PEM/TEM/MEM User's Manual and a "read me" file are contained on the diskettes and are available upon installation. The instructions on the diskettes and the associated documentation (Sec/Para J.8, Attachment 8) should provide sufficient explanation to install and use the PEM, TEM, and MEM. In the event you receive a diskette which is unreadable, please contact Capt Chad Lusher; at (334) 416-1782 to obtain new diskettes. All the above referenced files are also available on the SSG ACQBBS dial-up and Internet systems.

3. The RFP and related documents explain the DT-V requirements in detail; however, please direct your attention to the following:

a. The Government intends to select three contractors for the Desktop V program under two competitive source selections. Two contracts will be awarded under full and open competition using RFP F01620-94-R-A430. A third contract will be awarded under an 8(a) setaside under RFP F01620-95-R-A051. We intend to make all three awards on initial submission, without discussions. The anticipated award date, without discussions, for planning purposes only, is 28 Dec 95. If discussions are held, the following events and dates are provided for planning purposes and will apply only to those Offerors determined to be within the Competitive Range:

EVENT	Date
Release of Clarification Requests(CRs)/Deficiency Reports(DRs)	13 Dec 95
Receipt of CRs/DRs Responses	29 Dec 95
Release of Request for Best & Final Offers (BAFOs)	25 Mar 96
Receipt of BAFOs	01 Apr 96

To ensure proposal eligibility, your offer should include your most favorable terms possible on initial submission. Successful responses demand the Offeror read the RFP, identify and comply with mandatory requirements in all sections of the RFP, follow the proposal submission instructions and finalize proposal(s) in sufficient time to facilitate an intense quality control review and to make adjustments prior to submission.

5. Listed below are examples of errors and inconsistencies in proposals which resulted in CRs/DRs being issued during the evaluation process on Desktop IV. As it is our firm intent to award DT-V based on initial offers without discussions, vendors are advised to ensure their initial proposal(s) are free of these types of errors and inconsistencies.

(1) Incomplete B-Table submissions.
(2) Omission of prices for individual CLINs/SLINs.
(3) Omission of an electronic B-Table.
(4) Misused cost model, thereby making proposal submission non-conforming.
(5) Submission of unreadable, locked, password protected and/or virus infected diskettes.
(6) Incorrect use of abbreviations as defined in the RFP. Offerors did not provide prices of next higher assemblies for items that were not separately priced (NSP).
(7) Offerors added penalties inappropriately for Buy American Act (BAA)/Trade Agreements Act (TAA) pricing.
(8) Pages in excess of the mandatory page limitation.
(9) Conflicting information among matrices, narrative, and executive summary/cover letter.

Completeness and accuracy, especially in mathematical calculations, is critical to a successful proposal. Failure to provide a mandatory requirement or intentionally taking exception to mandatory terms and conditions in an attempt to force discussions is a risk. Offerors who rely upon the Government to identify inconsistencies and deficiencies in their proposals jeopardize their eligibility. Minor Clarification Requests (MCRs), which will not affect the proposal rating, as defined in AFFARS para. AA-307.a.(2), may be issued by the Government for the purpose of eliminating minor irregularities, informalities or apparent clerical mistakes.

[illegible]

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c. Section M of the RFP details the evaluation factors for award and their relative order of importance.

d. DT-V is a firm-fixed-price (FFP), indefinite delivery/indefinite quantity (ID/IQ) acquisition with a period of performance of up to five (5) years: one base year, a one-year option (Option 1), and one additional option year (Option 2) to be exercised only with higher headquarters approval for purchase of all CLINs/SLINs, and two additional one-year Sustainment Options (Options 3 and 4) for user-installable components (upgrade SLINs only (See B-Tables)). In the event higher headquarters approval is not obtained to exercise Option 2 for the purchase of all CLINs/SLINs, the Government may still exercise Sustainment Options 3 and 4 for upgrade SLINs only.

e. Proposal(s) shall be submitted in electronic format on virus-free 3.5 inch 1.44MB high density diskettes, except for the original signed Standard Form 33, the signed Certificate of Procurement Integrity, Data Entry Summaries, ISO 9000 certifications (if applicable), Subcontracting Plan, and the PEM Price Summary, which are required in hard copy. Complete instructions are provided in Sec/Para L.22 of the RFP. Fill-in-the-blank matrices shall be used for proposal submission. Offerors are required to provide matrices (Exhibits L-3 and L-4) which certify compliance with mandatory requirements and standards. Sec/Paras L.22 and L.23 provide proposal preparation and submission requirements.

f. All proposal volumes are due no later than 3:00 p.m. (CDT) on 6 Sep 95. Proposals shall be delivered to the location specified in Sec/Para L.19 of the RFP. Responses to this RFP are subject to DFARS 252.211-7018, Late Submissions, Modifications, and Withdrawals of Offers--Commercial Items.

Due: 6 Sep 95 @ 3PM

g. The use of example information in cells or boxes throughout Exhibits L-1 and L-2 referenced in Volume I, Section 1 and Volume II, Section 1, indicates to Offerors the Government's desired physical and/or performance characteristics for which the Offeror's proposal will receive additional credit. If the Offeror's proposal exceeds these desired characteristics, then further credit may be given.

h. A maximum of two proposals will be accepted from each Offeror in response to this solicitation. Each proposal must be complete and stand-alone from any other submitted proposal and include all necessary proposal submissions required by this solicitation without reference to any other proposal. Alternate proposals are defined as offering solutions other than specifically requested in the solicitation and will not be accepted. If an Offeror submits more than two proposals, all proposals will be returned by the Government because the Government will be unable to determine which two proposals the Offeror would have wanted to be evaluated.

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i. For informational purposes, the term "shall" is used in association with mandatory requirements. The term "should" is used for those requirements that are desirable to the Government. The Government has judiciously used the "shall" statements and is postured to assign a deficiency report (DR) if mandatory requirements are not met. The Government will issue DRs if discussions are necessary and the Offeror's proposal is in the Competitive Range.

j. This acquisition is subject to the Buy American Act (BAA) and Trade Agreements Act (TAA) (see FAR Part 25 as supplemented). A waiver has been obtained to the TAA for application of the BAA evaluation factor for U.S. made end products (See Sec/Para I-7). CLINs/SLINs with a total extended value of $182,000 or more will be evaluated under the TAA; $182,000 or less, under the BAA. Understanding the BAA/TAA and selection of compliant components is critical to a successful proposal.

k. Offerors are required to submit the following equipment in conformance with Energy Star requirements in all contractor provided environments while retaining all functionality (e.g., network interoperability): CLINs 0001 and 0002 base system units and all monitors, all CLINs 0003 and 0004 monitors, and CLIN 0005 printers. Offerors are required to certify (see Sec/Para K.19) Energy Star (E-Star) compliance for the referenced systems.

Certification

l. Factory Installed Components (FICs) are to be priced as a delta price to the base system assuming replacement of original component for performance enhancements. User Installable Components (UICs) are to be priced in addition to the base system (see Sec/Para L.23.4.5 for a more detailed definition).

m. Software is to be priced on a "single user license" basis with or without media and documentation (see Sec/Para L.23.4.5). In addition, the licensing concept for both applications software and NOS system software has been updated. Please refer to Section C and Sec/Para J.7, Attachment 7.

n. A Pre-Proposal Conference will be held in approximately ten days. Complete details including date, time and location will be published on the HQ SSG ACQBBS within the next few days. Please continue to monitor the bulletin board daily if you are interested in attending this conference.

o. A waiver of the Nonmanufacturer rule for all requirements, other than the systems SLINS (CLINS 0001-0004), has been established by the U.S. Small Business Administration (SBA). This waiver allows an otherwise qualified regular small business dealer to supply other than the product of a domestic small business manufacturer or processor, for items specified, on this intended SBA 8(a) Program award.

4. This acquisition has been selected for implementation of an "Industry Critique of the Government RFP" Survey. The objective of this survey is to establish an industry feedback system to improve the RFP process. This survey is not the mechanism to identify RFP problems that affect your proposal or potential award of the contract. Problems of this nature should be formally communicated to the DT-V Contracting Officer (CO), Mrs. Kay Walker. Whether or not you decide to propose on the attached RFP, you have the option of completing an anonymous survey. The survey is included on the RFP diskette. Your decision to respond and/or the contents of your response shall in no way affect the outcome of this source selection or ongoing future competitions. Offerors should directly mail survey responses in hard copy to "ESC/PKA, RFP Survey Responses, 3 Kirtland Street, Hanscom AFB MA 01731-2309." Responses to this survey will not be opened for at least ten (10) days following contract award.

5. Offerors are encouraged to use and monitor the SSG ACQBBS dial-up and Internet systems to access DT-V acquisition information. The SSG ACQBBS dial-up and Internet systems will be

used to provide the current program status, any new information available about the program, and applicable documents as they are available electronically. As stated in Sec/Para L.11, Offeror-initiated inquiries may be submitted via the SSG ACQBBS, floppy disk, on paper and facsimile (FAX) transmission (334) 416-1775. To access the SSG ACQBBS dial-up system, use a Hayes-compatible modem (up to 14400 bps v.42bis) to call (334) 416-5651/2/3, 1733/4/5 or 2986/7. Internet system "download" instructions are also provided (See Sec/Para L.11). In addition, file transfer service is available for all documents using ASCII, XMODEM, YMODEM, SEAlinks, KERMIT, SUPER KERMIT (sliding windows protocols), or ZMODEM-90. The file formats are in MS Word for Windows v6.0 and MS Excel v5.0c. Upload questions/comments to the SSG ACQBBS in data files using the same formats. Complete directions are provided on-line. If difficulty is encountered, 24-hour assistance is available by calling (334) 416-5771 and stating that the call pertains to DT-V on the SSG ACQBBS.

//signed//
KAY P. WALKER
Contracting Officer

Attachments:
1. PEM/TEM/MEM & User's Manual (3 Diskettes)
2. RFP Diskette